

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**VERNON MADISON,** )

**Petitioner** )

**vs.** )

**CIVIL ACTION NO. 09-00009-KD-B**

**RICHARD ALLEN, Commissioner  
of the Alabama Department of  
Corrections, and the ATTORNEY  
GENERAL OF THE STATE OF  
ALABAMA,** )

**Respondents.** )

**ORDER**

It has come to the court's attention that petitioner, Vernon Madison, submitted a letter to the court, dated November 30, 2008, wherein he seeks appointment of counsel and advises that he has asked requested that Mr. Patrick McCann, Esq., "recuse himself." (doc. 6)<sup>1</sup> Attached to his request is a letter to Mr. McCann dated October 26, 2008 wherein Mr. Madison instructs Mr. McCann to recuse himself and advises that he [Madison] "will be filing ineffective assistance of counsel claims during [the] federal appeals and it would constitute a conflict of interest" for Mr. McCann to continue his representation. (Id.)

Currently pending before the court is Mr. McCann's motion for appointment as counsel for Mr. Madison. (doc. 2) The court has set a January 30, 2009 deadline for Mr. McCann to

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<sup>1</sup> The letter was received by the court on December 2, 2008. The petition for habeas corpus relief was filed on January 8, 2009. (doc. 1)

provide additional information regarding the request. In light of Mr. Madison's correspondence to the court and his clear desire to have counsel *other than Mr. McCann* appointed, Mr. McCann should include in his response an explanation of why he has requested that the court appoint him as counsel for petitioner.

**DONE** and **ORDERED** this the 27<sup>th</sup> day of January 2009.

/s/ Kristi K. DuBose

**KRISTI K. DuBOSE**

**UNITED STATES DISTRICT JUDGE**